REMARKS/ARGUMENTS

The rejections presented in the Office action dated March 30, 2010 (hereinafter Office Action), have been considered. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

Applicant respectfully maintains the traversal of each of the § 103(a) rejections, each of which is based upon at least a combination of the teachings of SyncML with those of Hillyard because the asserted references alone, or in combination, do not teach or suggest each of the claimed limitations. For example, neither of the asserted references teaches or suggests initiating a second synchronization session in accordance with role information defined and stored based on a first synchronization session. The assertion that SyncML teaches synchronization and Hillyard teaches checking role information for establishing a communication session fails to correspond to the claimed limitations directed to using synchronization role information for initiating a subsequent synchronization session.

SyncML admittedly does not teach definition, based on a first synchronization session, checking, and use of role information for initiating a second synchronization session between devices that may perform both synchronization client and synchronization server roles. This is because the SyncML client and SyncML server are clearly determined roles in the cited SyncML protocol. The roles have very specific functions, for example, regarding the initialization procedure set forth in Section 4, and the roles cannot be mixed. As taught by SyncML, only the synchronization client can initiate a synchronization session by sending a client initialization package (package #1). While the synchronization server of SyncML may trigger a session by sending an alert (as pointed out in the May 2008 Office action response), "this does not remove the need for the initialization" (SyncML page 25, second sentence). Thus, SyncML's server cannot be interpreted as a SyncML client. SyncML does not teach a device capable of functioning as both a synchronization client and synchronization server such that SyncML does not recognize or address the problem of selecting an appropriate role for establishing a synchronization session. Moreover, there is no indication that a device would be capable of selectively changing between these synchronization roles or performing the role the selection as claimed.

Since Hillyard is unrelated to synchronization, Hillyard also fails to teach or suggest storage/use of role information on a synchronization device (either synchronization server or a synchronization client) that is defined on the basis of a first synchronization session or initiating a second synchronization session from a synchronization device in accordance with such role information. Thus, neither of the asserted references has at least been shown to teach checking stored role information for a synchronization device in response to a need for initiating a second synchronization session.

In contrast, Hillyard is directed to establishing communication connections between peer devices. Because the cited features of Hillyard are short-range Bluetooth transmission features directed to establishing a wireless link, there has been no suggestion that such features would, or could, be applied in upper protocol layer procedures. Specifically, Hillyard is directed to link establishment (OSI layer two functions) and is unrelated to arranging consecutive sessions (OSI layer five, session layer). The difference is illustrated in the situation where a mobile station roams from one link to another but maintains the session. SyncML also fails to suggest applying Bluetooth procedures for determining whether a device should establish a wireless connection. Thus, neither of the asserted teachings suggests that the connection establishment teachings of Hillyard could be used to modify the synchronization teachings of SyncML by a skilled artisan. As neither of the asserted references teaches or suggests at least definition and use of synchronization role information, as claimed, any combination thereof must also fail to teach such limitations. Without correspondence to each of the claimed limitations, the § 103(a) rejections are improper.

Further, neither of the asserted references teaches or suggests using the stored role information to selectively transmit at least a server message to initiate a second synchronization session based on the defined role information. The above amendments to the independent claims more clearly set forth that a device transmits a server message in response to synchronization server being defined in the role information as the role of the device. To avoid confusion with SyncML's server initialization package #2, the server message is characterized as an alert message (*see e.g.*, paragraph [0033] of the instant

Specification). While Chapter 4 of SyncML discloses sync initialization, there is no suggestion of selecting a synchronization message based on pre-stored role information, which is a result of a preceding synchronization session. Hillyard also fails to teach role selection between consecutive sessions. In contrast to transmitting a server message in response to detecting a server role, Hillyard teaches performing a radio page scan (paragraphs [0054]-[0055]). Without correspondence to each of the claimed limitations, the § 103(a) rejection would be improper, and Applicant accordingly requests that the rejection be withdrawn.

Again, no evidence has been presented to support the assertion that a skilled artisan would look to the Bluetooth role information of Hillyard to negotiate database synchronization in SyncML. First, Hillyard makes no mention of, and is unrelated to, synchronization. Second, the Bluetooth RF technology taught by Hillyard is not related to the lower-layer transport technology, such as HTTP, used in SyncML's synchronization of databases. A skilled artisan using common sense would not look to use Hillyard's Bluetooth role information to establish synchronization sessions. "Combining prior art references without evidence of such a suggestion, teaching, or motivation simply takes the inventor's disclosure as a blueprint for piecing together the prior art to defeat patentability--the essence of hindsight." *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). "Not only must the claimed invention as a whole be evaluated, but so also must the references as a whole, so that their teachings are applied in the context of their significance to a technician at the time--a technician without our knowledge of the solution." *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132, 1143 (Fed. Cir. 1985). The assertion that Hillyard teaches communication between devices without needing to be pre-configured for certain roles fails to identify why a skilled artisan would modify the teachings of SyncML with such teachings. As explained previously, the devices of SyncML are already taught as being configured as either a server or a client. Contrary to the assertion at page eight of the Office Action, the devices of SyncML are not peers, they have specifically defined roles. Therefore, Applicant respectfully submits that the proffered motivation is a hindsight combination of prior art based on Applicant's teachings, and the requisite showing of

motivation to combine Hillyard with SyncML has not been met. Applicant accordingly requests that each of the § 103(a) rejections be withdrawn.

Moreover, Applicant maintains that Hillyard, being directed to very different technology than SyncML, is nonanalogous art. Since Hillyard is in a field different than Applicant's endeavor, to be considered reasonably pertinent, Hillyard would need to address a problem addressed by the application at issue (MPEP § 2141.01(a)). As acknowledged by the Office Action, Hillyard is directed to establishing a wireless connection between devices automatically without any pre-configuration as to client/server roles (paragraphs [0013] and [0014]). Hillyard uses role information to re-establish a broken connection but only for a limited time or number of attempts. After the predetermined time/attempts are over, the devices reset to not having role information (paragraph [0055]). In contrast, the application at issue recognizes that it is essential for synchronization to maintain the roles of the synchronizing devices from one synchronization session to another (paragraph [0005]). Since Hillyard addresses devices without any role information, Hillyard would not be pertinent to defining and maintaining role information, as claimed. Hillyard, directed to very different technology and addressing a problem not recognized by the application at issue, would not have logically commended itself to an inventor of the instant application. Thus, Hillyard is nonanalogous art and fails to support the § 103(a) rejections.

Regarding the § 103(a) rejections of various dependent claims, Applicant further maintains the traversals because the teachings of U.S. Publication No. 2005/0091413 to Walbeck *et al.*; U.S. Patent No. 5,884,323 to Hawkins *et al.*; U.S. Publication No. 2001/0056442 by Dresevic *et al.*; and U.S. Patent No. 6,272,545 to Flanagin *et al.* do not overcome the above-discussed deficiencies in the combination of SyncML and Hillyard. The Office action still has not shown that any of these additionally relied upon references overcome the above-discussed deficiencies. Therefore, Applicant maintains that none of the asserted references has been shown to at least teach limitations directed to the definition of role information based upon a synchronization session, as claimed, and any combination thereof must also fail to teach such limitations. Without correspondence to each of the

claimed limitations, the § 103(a) rejections are improper, and Applicant requests that the rejections be withdrawn.

With particular respect to the rejection of dependent claims 2, 14, 21, and 24, Applicant traverses because none of the asserted references has been shown to teach a device that changes synchronization roles (from a client role to a server role) in response to an error message. The cited portions of Walbeck teach a server-capable node assuming the role of server when attempts at waking up a preferred server node fail. There is no changing of synchronization roles between two devices, as claimed. As SyncML teaches devices with static roles and Hillyard at least fails to teach establishing a server role in response to an error message, none of the references corresponds to the claimed limitations. Without correspondence to each of the claimed limitations, the § 103(a) rejection is improper, and Applicant accordingly requests that the rejection be withdrawn.

With particular respect to the rejection of dependent claims 5 and 27, Applicant maintains that U.S. Patent No. 5,884,323 to Hawkins *et al.* (hereinafter "Hawkins") has not been shown to teach the asserted claim limitations. The Office action acknowledges that the combination of SyncML and Hillyard does not show role information being application-specific so that separate role information is stored in the device for each application and/or application profile in the device. Thus, the Office action solely relies upon the teachings of Hawkins as corresponding to such limitations; however, contrary to the assertions in the Office action, Hawkins does not teach such limitations. Instead, the cited portion of Hawkins merely teaches that applications are synchronized one by one. The synchronization in Hawkins is initiated using a single synchronization command (Col. 2, lines 52-56) and the synchronization roles of the palmtop and personal computer systems do not change (Col. 3, lines 1-4). There is no suggestion that Hillyard's role information would be stored separately for each application or used for synchronization and no suggestion that Hawkins' synchronization information would include role information since the roles never change. Therefore, the asserted combination does not teach or suggest that separate synchronization role information is stored for each application and/or application profile. Without a presentation of correspondence to each of the claimed limitations, the

§ 103(a) rejection is improper, and Applicant accordingly requests that the rejection be withdrawn.

It should be noted that Applicant does not acquiesce to the Examiner's statements or conclusions concerning what would have been obvious to one of ordinary skill in the art, obvious design choices, common knowledge at the time of Applicant's invention, officially noticed facts, and the like. Applicant reserves the right to address in detail the Examiner's characterizations, conclusions, and rejections in future prosecution.

Authorization is given to charge Deposit Account No. 50-3581 (KOLS.061PA) any necessary fees for this filing. If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact the undersigned attorney to discuss any issues related to this case.

Respectfully submitted,

HOLLINGSWORTH & FUNK, LLC
8500 Normandale Lake Blvd., Suite 320
Minneapolis, MN 55437
952.854.2700

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By: /Erin Nichols Matkaiti/

Erin Nichols Matkaiti
Reg. No. 57,125